SUBJECT No. 35.

Alteration of rules requiring fresh processes to all witnesses in Civil Courts.

Mr. Hutcheere Gowda, Gubbi Taluk.

Summary of discussion.—It has recently been ruled in Civil Courts that if summonses to one or two witnesses of the case are not served, process fees and batta to *all the* witnesses in the case should be again produced by the parties. Orders are requested for the continuance of the practice formerly in vogue.

Reply of Government.—Not possible.

SUBJECT No. 36.

Sale of immovable property under Section 310 of the Civil Procedure Code.

Mr. A. Narasimha Iyengar, Sagar Taluk.

Summary of discussion.—When immovable property is sold under Section 310 of the Civil Procedure Code, and the defendant produces the sale amount and interest a month after the sale, the procedure as in force in British Provinces under clause (*a*) of the above section may be brought into force in the Mysore Province.

Reply of Government.—*Vide* Subject No. 16 (*a*) already disposed of.

SUBJECT No. 37.

Attachment list.

Mr. S. R. Balakrishna Rao, B.A., LL.B., Advocate, Shimoga Municipality.

Summary of discussion.—A list of immovables of or above the value of Rs. 100 attached by orders or decrees of Civil Courts may be ordered to be filed in the Sub-Registrar's offices in whose territorial jurisdiction such attachment takes place. This will minimise the evils caused by fraudulent sales of immovables after attachment.

Reply of Government.—This subject was brought up last year also and in that connection the Government, after consulting the Chief Court, the Revenue Commissioner and the Inspector-General of Registration, decided that the labour involved in maintaining the proposed list was great and that it was unnecessary. Though the present proposal is confined to properties above Rs. 100 the same observations apply. Mr. Ranga Iyengar, who also urges the need for the proposed list, may, however, bring forward instances of practical inconvenience, as promised by him.

SUBJECT No. 38.

The Central Nazir system.

Mr. M. C. Ranga Iyengar, City Municipality, Mysore.

Summary of discussion.—The Central Nazir system may be either abolished or improved; and in the latter case its control may be transferred to the Sub-Judges.

Reply of Government.—The Chief Court have considered recently further improvements in the system, and their proposals may be awaited.

SUBJECT No. 39.

Equalishig salaries to clerks in Civil, Registration and Revenue Departments.

Mr. B. Mailaraiya, Municipality of Seringapatam.

Summary of discussion.—Revision of the scale of salaries to clerks in Civil and Registration Departments to bring it into conformity with the scale in the Revenue Department, is prayed for.

Withdrawn.

SUBJECT No. 40.

Estimate of properties attached in satisfaction of Civil Court decrees by Taluk Amildars.

Mr. Lakshminaranappa of Heggaddevankote Taluk.

Summary of discussion.—The valuation of properties sold in satisfaction of Civil Court decrees is at present estimated by Ameens who in most instances estimate them indiscriminately; and if at the time of such sale no bids are offered, the plaintiff himself will have to go in for them as otherwise the sale will be stopped. In such cases, it is

prayed that the Taluk Amildars may be directed to estimate the value of such properties, the sale being conducted in villages by the Hobli Shekdars in the interests of both the plaintiff and the defendant and as a means of check on the action of the Batta Ameens.

Reply of Government.—The improvement of Ameen service is under the contemplation of the Chief Court (*vide* Subject No. 32), nothing further can now be done.

SUBJECT No. 41.

Sales of immovable property connected with Civil decrees.

Mr. M. C. Ranga Iyengar, City Municipality, Mysore.

Summary of discussion.—If the amount of the decree plus subsequent expenses up to date with interest, if any, be paid by the judgment-debtor, before the date of the confirmation of sale, the sale of immovable property by Civil Courts may be set aside.

Note.—No others supported this.

Reply of Government.—Noted. *Vide* Subject No. 16 (*a*).

SUBJECT No. 42.

Using different colours for Court Fees stamps of different value.

Mr. M. K. Krishnamurti Rao, Zamindar, Magadi Taluk.

Summary of discussion.—Both the buyer and the seller of Court Fees stamps are often deceived by the same colour being used for Court Fees stamps. Hence the system of Postal stamps may be adopted to avoid the existing scope for mischief.

Reply of Government.—Not necessary. No case of such deception has come to notice.

SUBJECT No. 43.

Period for refunding the value of stamp paper.

Mr. Ranga Iyengar, Channapatna Taluk.

Summary of discussion.—The period of six months from the date of purchase allowed for the presentation of stamp papers for the refund of their value is too short to be convenient to all. The restriction may be kindly removed.

Reply of Government.—Not necessary. Six months' time is ample.

SUBJECT No. 44.

Service of summons by post.

Messrs. Srinivasa Rao and Rama Rao of Malur.

Summary of discussion.—The clients are put to loss by reason of the summonses not duly being served for various reasons. It is therefore solicited that they may be ordered to be sent by registered post if the parties so desire, recovering from them a fee of two annas for registration. The thumb impression of those who are illiterate may also be ordered to be taken on the summonses by the process-servers.

Reply of Government.—As to the first proposal, there would be difficulty to prove service if denied. As to the second proposal, it would involve process-servers taking with them a pad and printer's ink and learning how to take clear thumb impressions. The suggestions therefore are not feasible.

SUBJECT No. 45.

Refund of half the institution fee in Civil suits.

(*a*) Mr S. R. Balakrishna Rao, B.A., LL.B., Advocate, Shimoga Municipality.

(*b*) Mr. Jahgirdar Madappa, Mysore. Messrs. Lingegowda and Kodandapani Setti of the Mysore Taluk. Mr. Danti Naranappa of Sidlaghatta Municipality.

Summary of discussion.—(*a*) The wording of the rule of practice recently issued by the Chief Court regarding the refund of half the institution fees in cases in which the defendant comes to Court and admits the claim, is misleading and ambiguous. It may be amended so as to be plain enough to grant refund in all cases in which the